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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,496	11/06/2003	Yutaka Tosaki	Q78309	7626
23373	7590	08/14/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,496

Applicant(s)

TOSAKI ET AL.

Examiner

Daniel Zirker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/16/06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-7 have been withdrawn from issue in view of the following new reference and the accompanying Chinese Patent Office Report which has been made of record, and from which the following prior art rejections are essentially paraphrased.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Coopridner et al., US 5,571,617. The reference discloses a pressure sensitive adhesive sheet comprising a substrate having a pressure sensitive adhesive layer on at least one side thereof, wherein the adhesive composition is formed of an aqueous dispersion based psa composition containing, as a base polymer, an acrylic polymer containing a (meth)acrylic acid C4-12 alkyl ester as the major monomer component, and the psa layer contains the same amounts of sulfur atom-containing anionic emulsifier and polyacrylic acid as the hydrophilic polymer (note Col 3, line 34-Col 6, line 40 and Example 1). Although the reference does not specifically disclose the amount of the anionic emulsifier containing a sulfur atom in the surface portion of the psa layer within the range of up to 3nm inward from the outer face of the psa layer, the aqueous dispersion type psa composition formed by the reference has very little coagulum (see Col 9, line 46). In other words, it is the finely dispersed psa composition that is

obtained. Since each component in the composition including the anionic emulsifier containing a sulfur atom is dispersed finely, the amount of each component in the resultant psa layer should be uniform, and the psa sheet formed by the reference should comprise the same ratio of the anionic emulsifier containing a sulfur atom in the surface portion of the psa layer. With respect to claims 2, 3, and 6 their characteristics are also disclosed by Cooprider et al. For example, the sulfur atom-containing anionic emulsifier in said psa sheet is an alkyl sulfate based anionic emulsifier or sulfonate based anionic emulsifier (note Col 6, lines 35-40), the entire psa layer comprises the anionic emulsifier containing a sulfur atom of the same ratio (Col 6, lines 12-15; Example 1), and the entire psa layer and the surface portion thereof comprise the anionic emulsifier containing a sulfur atom of the same ratio (Col 6, lines 12-15, Example 1, together with what has been previously stated, above). As regards claim 4, this claim further defines the ratio of elemental sulfur present by the ESCA measurement in the surface portion of the psa layer. Although the reference does not disclose the parameter, the physicochemical parameters of the same products should be fixed, and accordingly since claim 1 is not novel neither is claim 4.

5. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooprider et al. The reference fails to disclose that the psa layer on one side of the substrate has a multilayered substrate. However, as was noted above, the psa layer disclosed by the reference contains the same ratio of anionic emulsifier containing a sulfur atom in the surface portion, which is just the contacting portion of the psa sheet with the adhered object, so the resulting psa sheet is not different in its performance.

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That is, the difference in structure does not bring about any prominent substantive features and a significant advance to the psa sheet art. Additionally, it is conventional in the art to use porous substrates as the substrate of psa sheets. Accordingly, the subject matter of claims 5 and 7 can be obtained by those skilled in the art when the teachings of the reference are combined with the knowledge of one of ordinary skill, and without the use of any particular creative skill

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

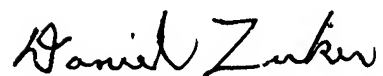
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Daniel Zirker
Primary Examiner
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A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive style with a large, stylized 'Z'.